

REMARKS

This is in full and timely response to the Office Action dated April 6, 2005.
Reexamination in light of the following remarks is respectfully requested.

Claims 1-8 are currently pending in this application, with claim 1 being independent.

No new matter has been added.

Priority

Appreciation is expressed for the acknowledgement of the claim for foreign priority.

Rejections under 35 U.S.C. §102 and 35 U.S.C. §103

Claims 1 and 4 were rejected under 35 U.S.C. §102 as allegedly being anticipated by U.S. Patent No. 3,085,615 to Sanderson or, alternatively, U.S. Patent No. 4,153,095 to Sarkissian (Sarkissian '095) or U.S. Patent No. 4,262,724 to Sarkissian (Sarkissian '724) or U.S. Patent No. 5,115,852 to De Lorean or German Patent Application No. DE 100 51 735 to Warmbier.

Claims 2, 3, 5 and 6 were rejected under 35 U.S.C. §103 as allegedly being obvious over Sanderson or, alternatively, Sarkissian '095 or Sarkissian '724 or De Lorean or Warmbier, in view of U.S. Patent No. 5,385,191 to Aflague et al. (Aflague).

If the allowance of the claims is not forthcoming at the very least and a new grounds of rejection is made at least against any of the claims, then a **new non-final Office Action** is respectfully requested at least for the reasons provided hereinbelow.

These rejections are traversed at least for the following reasons.

The features of claim 4 have been wholly incorporated into claim 1 to form amended claim 1. Thus, original claim 4 is now amended claim 1. Also note that original claim 5 is now claim 2 and original claim 6 is now claim 3.

Within amended claim 1, a sectional area changing rate of the closed space by the tube is 5.0% or higher. Paragraph [0017] of the specification as originally filed provides that:

It is preferred that a sectional area changing rate of the closed space 4 by the tube 5 be set to 5.0% or higher. When this sectional area changing rate is lower than 5.0%, a reduction effect of air column resonance sound becomes unsatisfactory. There is no particular limitation on an upper value of the sectional area changing rate. However, an upper limit is preferably set to 25% because an excessively large rate leads to deterioration of uniformity. The sectional area changing rate is represented by $(A2-A1)/(A-A1) \times 100\%$, where A is a sectional area of the closed space 4 when the tube 5 does not exist, A1 is a minimum value (see FIG. 3) of an outer sectional area of the tube 5, and A2 is a maximum value (see FIG. 4) of an outer sectional area of the tube 5.

In this regard, it is not that a definition is made of the sectional area of the tube itself but it is that a sectional area changing rate of the closed space due to existence of the tube is specifically defined.

Moreover, it is well established that patent drawings do not define the precise proportions of the elements and may not be relied on to show particular sizes *if the specification is completely silent* on the issue. *Hockerson-Halberstadt Inc. v. Avia Group International Inc.*, 222 F.3d 951, 956, 55 USPQ2d 1487, 1491 (Fed. Cir. 2000).

Moreover, arguments based on the measurement of a drawing are of little value absent any written description in the specification of the quantitative values allegedly shown within the drawings. *In re Wright*, 569 F.2d 1124, 1127, 193 USPQ 332, 335 (CCPA 1977).

Sanderson arguably teaches a flat tire warning system having a tire 1, a tube 18, and a rim 2 (Sanderson at figure 4). Sanderson arguably teaches an outer sectional area of the tube 18

being nonuniform in a tire circumferential direction (Sanderson at figure 3, column 3, lines 30-35).

However, Sanderson is silent as to a sectional area changing rate of the closed space by the tube 18 being 5.0% or higher.

The Office Action contends that the skilled artisan would expect the difference in cross-sectional area to fall within the broadly claimed range of at least 5.0% in order to fulfill its function of creating sufficient vibration to be readily detected by the driver (Office Action at page 2).

In response, this contention is conclusory and is not based upon any objective teaching found within Sanderson. Thus, the Office Action fails to show that Sanderson would necessarily possess the characteristics of the claimed invention. All claimed features are not found within Sanderson.

Sarkissian '095 arguably teaches a pneumatic tire having a pneumatic safety insert with beads having a tire 12, an insert member 14, and a rim 16 (Sarkissian '095 at figure 1).

However, Sarkissian '095 fails to disclose, teach or suggest an outer sectional area of the insert member 14 being nonuniform in a tire circumferential direction. In addition, Sarkissian '095 is silent as to a sectional area changing rate of the closed space by the insert member 14 being 5.0% or higher.

The Office Action contends that the skilled artisan would expect the difference in cross-sectional area to fall within the broadly claimed range of at least 5.0% in order to fulfill its function of creating sufficient vibration to be readily detected by the driver (Office Action at page 2).

In response, this contention is conclusory and is not based upon any objective teaching found within Sarkissian '095. Thus, the Office Action fails to show that Sarkissian '095 would necessarily possess the characteristics of the claimed invention. All claimed features are not found within Sarkissian '095.

Sarkissian '724 arguably teaches a pneumatic tire having a pneumatic safety insert with beads having a tire 12, an insert member 14, and a rim 16 (Sarkissian '724 at figure 1).

Sarkissian '724 arguably teaches an outer sectional area of the insert member 14 being nonuniform in a tire circumferential direction (Sarkissian '724 at figures 6-7). In this regard, Sarkissian '724 arguably teaches the magnitude of the R1 and R2 sections of the insert 14 (Sarkissian '724 at column 8, lines 6-8). Within the table of Sarkissian '724 at column 8, line 51 to column 9, line 11, reference (b) refers to the corresponding circumferential proportion of each ply section (Sarkissian '724 at column 9, line 11).

However Sarkissian '724 is silent as to a sectional area changing rate of the closed space by the insert member 14 being 5.0% or higher.

The Office Action contends that the skilled artisan would expect the difference in cross-sectional area to fall within the broadly claimed range of at least 5.0% in order to fulfill its function of creating sufficient vibration to be readily detected by the driver (Office Action at page 3).

In response, this contention is conclusory and is not based upon any objective teaching found within Sarkissian '724. Thus, the Office Action fails to show that Sarkissian '724 would necessarily possess the characteristics of the claimed invention. All claimed features are not found within Sarkissian '724.

De Lorean arguably teaches a closed-torus tire having a tire 22, an inner wall 24, and a rim 44 (De Lorean at figure 4).

De Lorean arguably teaches an outer sectional area of the inner wall 24 being nonuniform in a tire circumferential direction (De Lorean at figures 2-3), and arguably teaches an outer annular chamber 40 and an inner annular chamber 42 (De Lorean at figure 6, column 4, lines 64-65).

However De Lorean is silent as to a sectional area changing rate of the closed space by the inner wall 24 being 5.0% or higher.

The Office Action contends that the skilled artisan would expect the difference in cross-sectional area to fall within the broadly claimed range of at least 5.0% in order to fulfill its function of creating sufficient vibration to be readily detected by the driver (Office Action at page 3).

In response, this contention is conclusory and is not based upon any objective teaching found within De Lorean. Thus, the Office Action fails to show that De Lorean would necessarily possess the characteristics of the claimed invention. All claimed features are not found within De Lorean.

Warmbier arguably teaches a tire tube 3 inside a tire 2 (Warmbier at figures 1-2, Abstract).

Warmbier may arguably teach an outer sectional area of the tire tube 3 being nonuniform in a tire circumferential direction (Warmbier at figures 2-3). However Warmbier is silent as to a sectional area changing rate of the closed space by the tire tube 3 being 5.0% or higher.

The Office Action contends that the close correspondence of structure and function (reducing resonance inside the tire) between the claimed tire/wheel assembly and the reference tire/wheel assembly provides a reasonable basis for the examiner to infer that the reference tire/wheel assembly also meets the claimed tube cross-sectional area change of at least 5.0%; burden thus shifts to the applicants to show an unobvious difference (Office Action at page 3).

In response, this contention is conclusory and is not based upon any objective teaching found within Warmbier. Thus, the Office Action fails to show that Warmbier would necessarily possess the characteristics of the claimed invention. All claimed features are not found within Warmbier.

Aflague arguably teaches a tire casing 3 and a binary inner tube (Aflague at figures 1-2, 4-5 and 7).

However, Aflague fails to disclose, teach or suggest an outer sectional area of the binary inner tube being nonuniform in a tire circumferential direction (Aflague at figures 1-2, 4-

5). Moreover, Aflague is silent as to a sectional area changing rate of the closed space by the inner wall 24 being 5.0% or higher. Thus, all claimed features are not found within Aflague.

Withdrawal of these rejections and allowance of the claims is respectfully requested.

Conclusion

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance. Accordingly, favorable reexamination and reconsideration of the application in light of the amendments and remarks is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

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Respectfully submitted,

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